

December 19, 2019

To whom it may concern:

I am writing to you to demand that The Accelerated Schools (“TAS”) cease and desist from violating the Brown Act as described below and to request that, in order to avoid costly and unnecessary litigation, you respond per the Brown Act [at California Government Code §54960.2](#) with an unconditional commitment to so cease and desist.¹ I further demand that, in order to avoid costly and unnecessary litigation, TAS cure and correct its violations of the Brown Act as described below per [§54960.1](#)

1 Background

1. Charter schools in California are private entities made subject to the Brown Act by state law and, for those authorised by the Los Angeles Unified School District, by the terms of their charter.

2 Violations of the Brown Act on October 24, 2019

2.1 The facts

2. The Board of Directors of TAS (“Board”) held a regular public meeting on October 24, 2019.
3. On two separate occasions during this meeting Board president Juli Quinn announced a “recess.”
4. During these “recesses” the Board went all together into the back along with some staff members and at least two members of the public who were attending the meeting.
5. On the Board’s return to the public area Quinn uttered statements which made it very clear that the Board had discussed business during these “recesses.” In one case Quinn announced a decision that the Board had made, which was to reopen the ordinary public comment portion of the meeting.
6. Neither “recess” was announced on the published agenda for the meeting. See [Exhibit 5.1](#) on page 5.
7. Neither “recess” allowed for public comment on the matters discussed during the recess.

¹ Please note that all citations to the Brown Act in this document are to the California Government Code.

2.2 The law

8. The Brown Act at §54952.2(a) defines a “meeting” to be

any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

9. The Brown Act at §54953 declares that

All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

10. The Brown Act at §54954.2(a)(3) states in pertinent part that at a meeting subject to the Brown Act:

No action or discussion shall be undertaken on any item not appearing on the posted agenda.

11. The Brown Act at §54954.3(a) states in pertinent part that:

Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative bodys consideration of the item, that is within the subject matter jurisdiction of the legislative body

2.3 Conclusion

12. The Board, being subject to the Brown Act, is a legislative body of a local agency.
13. The two occasions on October 24, 2019 on which the Board removed itself from the public view in order to discuss items “within the subject matter jurisdiction” of the Board were meetings as defined.
14. These meetings were neither open nor public, nor were they of the sort “as otherwise provided” by the Brown Act.
15. The Board violated the Brown Act by holding these two meetings out of the presence of the public.
16. The Board violated the Brown Act by discussing and/or taking action on matters not listed in the agenda for the meeting.
17. The Board violated the Brown Act by not allowing public comment on the matters discussed in these two illegal meetings.

3 The harm done

18. These violations are not just incidental, technical, nor harmless. Rather, they implicate fundamental constitutional rights that the people of California have reserved to themselves. The Brown Act at §54950 states:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

19. By holding meetings in private the Board deprived members of the public of their fundamental right to be present during the deliberations of a body created by the public to carry out the public's business and therefore of their fundamental right to retain control over the activities of the public instrument known as TAS
20. By discussing matters which did not appear on the posted agenda for the meeting the Board deprived members of the public of their right to make an informed decision as to whether to attend the meeting and address the Board concerning the matters on which they acted.
21. By failing to provide an opportunity for members of the public to address the Board before holding private meetings the Board deprived the public of their fundamental right to instruct their public servants on the actions they ought to take with respect to matters of public concern.

4 Demand for relief

22. TAS's failure to comply with the requirements of the Brown Act constitute a grave betrayal of both fundamental and consequential principles of our government. It is therefore in the best interest of all concerned that the school not only cease and desist from such violations in the future but that they make a public commitment to ceasing and desisting.
23. Because TAS's failure to comply with the requirements of the Brown Act deprived members of the public the opportunity to know in advance what was to be discussed by the Board as well as the opportunity to comment publicly before action was taken and of the opportunity to observe and understand the deliberations of the Board, it is in the best interest of all concerned that the Board cure and correct this grave error.

24. At a minimum the Board should (a) rescind its decision to allow only 15 minutes of public comment during the legally compliant section of the meeting, (b) should agendize the topics discussed in the illegal parts of the meetings, and (c) reconvene the meeting in public, allowing for public comment on the topics being discussed as well as on the already-agendized topics.
25. If TAS responds to this demand within 30 days of today's date by curing and correcting these violations and, additionally, with a letter expressing an unconditional commitment to cease and desist from all future violations of this type in substantially the form given by the Brown Act [at §54960.2\(c\)](#) I will consider this matter at an end. Please send this letter to me by email at adrian@foutu.org and by postal mail at:

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Los Angeles, CA 900■■■

For the sake of efficiency please either confirm my receipt of this letter or send it in such a way that its arrival is trackable.

26. If TAS refuses to so respond or so responds after 30 days have passed I will instruct my attorneys to proceed to “commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that [the above-described actions taken are] null and void” under §54960.1 of the Brown Act and, additionally, to “file an action to determine the applicability of this chapter to [the above-described] past actions of” The Accelerated Schools under §54960.2 of the Brown Act. If I prevail in that action the Brown Act [at §54960.5](#) allows for the court to award costs and reasonable attorneys’ fees to me.

Thank you for your prompt attention to this important matter,

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5 Exhibits

5.1 TAS Board Meeting Agenda – October 24, 2019

THE ACCELERATED SCHOOLS
REGULAR Meeting of The Board of Trustees
 Thursday, October 24, 2019 -10:00 AM
 ACES Campus – Room B106
 3914 S. Main Street, Los Angeles, CA 90037

Pursuant to Government Code § 54954.2, the Accelerated Schools' Board of Trustees hereby calls a meeting of the Board for **Thursday, October 24, 2019 at 10:00 a.m. at ACES, located at 3914 S. Main Street, Los Angeles, CA 90037.**

A copy of the agenda will be posted at least 72 hours before such meeting. A copy of the written materials which will be submitted to the School Board's Trustees may be reviewed by any interested persons at The Accelerated School (TAS), Suite D.262, 116 E. Martin Luther King Jr. Blvd., Los Angeles, CA 90011 during regular business hours following the posting of the agenda.

Disability Access: Requests for disability-related modifications or accommodations to participate in this public meeting shall be made 24 hours prior to the meeting either in person to the CEO's office of The Accelerated Schools, or by calling (323) 235-6343, ext. 2659. All efforts will be made for reasonable accommodations. The agenda and public documents can be modified upon request as required by Section 202 of the Americans with Disabilities Act. In addition, TAS is wheelchair accessible.

Individuals wishing to speak at any Board meeting must sign up at the meeting. There will be no sign-ups in advance of the meeting. Each speaker is to keep his/her public comments to a maximum of 2 minutes to state his/her issue clearly. **The Accelerated Schools Board meetings are held on school grounds during times when school is in session. Members of the public are welcomed to the meetings but must remember to not be disruptive on school grounds. This includes keeping any public comments at a volume level in consideration of class instruction going on nearby.**

This notice of the date, time and location of the meeting of The Accelerated School's Board of Trustees is given this 21st day of October at 10:00 AM.

AGENDA

Time		Presenter
10:00 AM	Call to Order	Juli Quinn
10:01 AM	October 24, 2019 Board Agenda	Juli Quinn
10:03 AM	Approval of Board Meeting Minutes from August 29, 2019	Juli Quinn
10:05 AM	Public Comments <i>This is an opportunity for members of the public to address the Board of Trustees. Board of Trustees is limited to directing administration to study the matter or suggesting the matter be scheduled for further consideration and action at a later date.</i>	Juli Quinn
10:20 AM	Chief Executive Officer's Report 1. Student Presentation 2. New Staff Member Introductions	Grace Lee-Chang
10:30 AM	President's Reports 1. Update on Collaborative Consensus Committee (C3) 2. Board Committee Goals 3. Annual Board Election in December 4. Board Committee Members	Juli Quinn
11:00 AM	Presentations & Reports 1. Annual Update on CA Assessment of Student Progress and Performance (CAASPP) for ACES, TAS, WAHS 2. CALPADS Preliminary Certification 3. Financial Updates a. FY2019-2020 Quarter 1 Financial Update - ExED Presentation b. Investment Policy Statement Recommendation c. Opening new bank accounts	Lenita Lugo Karin Figueroa Francis Reading Rosie Hoang Susan Raudry Cong Liu ExED Rep

	4. Facilities Update <ul style="list-style-type: none"> a. Security Assessment Update b. Proposed Building Project 5. TAS Certification of Signature	Vincent Shih Tom Nizetich
12:00 PM	<p style="text-align: center;">Consent Items</p> 1. LAUSD Annual Oversight Visit-Certification of Board Compliance Review (ACES, TAS, WAHS) 2. English Learner Master Plan for ACES, TAS, WAHS 3. Investment Policy Statement Recommendation 4. Opening new bank accounts 5. Contract for Proposed Building Project	Lenita Lugo Susan Raudry Vincent Shih Tom Nizetich
12:15 PM	<p style="text-align: center;">Adjourn to Closed Session</p> <p style="text-align: center;"><i>Pursuant to CA Government code sections § 54957.6 and 54957</i></p> 1. Conference with Legal Counsel-Anticipated or Existing Litigation (§ 54956.9) (b) <ul style="list-style-type: none"> a. Case No. RF-01-6917 b. Case No. RF-20-1707 2. Conference with Labor Negotiator	Juli Quinn Grace Lee-Chang Vincent Shih Robert French
12:55 PM	Reconvene Open Session	Juli Quinn
1:00 PM	Adjourn	Juli Quinn

All times approximate